



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 5, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-29437 - APPLICANT/OWNER: I RENT B & E, LLC

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to the Conditions of Approval for the Site Development Plan Review (SD-0041-02), if approved.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Variance to allow 33 parking spaces where Title 19.04 requires a total of 40 parking spaces for a General Retail Store, Other Than Listed (Less than 3,500 Square Feet) and a Pawn Shop. The approved two-story, 9,127 square-foot building is located on a .55 acre site at the northeast corner of Mesquite Avenue and Eastern Avenue.

This Variance request stems from the overbuilding of the subject property and the proposing of uses that are too intense for the location, therefore resulting in a shortage of provided off-street parking. Staff has determined this to be a self-imposed hardship; therefore, is recommending denial of this Variance request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/20/65	The Board of Commissioners approved a Rezoning (Z-0074-65) of the subject site as part of a larger request from R-3 (Medium Density Residential) to C-1 (Limited Commercial).
11/06/02	The City Council approved a request for a Site Development Plan Review (SD-0041-02) for a 3,590 square-foot addition to an existing 5,537 square-foot commercial building on the subject site. The Planning Commission and Staff Recommended approval.
11/06/02	The City Council approved a request for a Special Use Permit (U-0119-02) for a Pawn Shop on the subject site. The Planning Commission and Staff Recommended approval.
09/25/08	The Planning Commission recommended denial of companion item ROC-29435 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #20/leh).
<i>Related Building Permits/Business Licenses</i>	
10/08/03	Business licenses (#F03-00014, #S25-00004) were issued for a Pistol Permit and a Second Hand Dealer Class II at 520 North Eastern Avenue, Suite #150.
09/19/03	A building permit (#3020199) was issued for a new building at 520 North Eastern Avenue, Suite #150. This building received its final inspection on 10/23/03.
11/20/03	Business licenses (#P04-00001, #P08-00003) were issued for a Pawn Broker and Auto Pawnbroker at 520 North Eastern Avenue, Suite #150.
09/05/06	A business license (#F02-00300) was issued for Finance Company at 520 North Eastern Avenue, Suite #150.
02/28/07	

	A business license (#C15-00351) was issued for a Convenience Store at 520 North Eastern Avenue, Suite #130.
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03/02/07	A business license (#W10-00126) was issued for a Wire Service at 520 North Eastern Avenue, Suite #130.
08/25/08	Business licenses (#A25-02300, #P27-00541) were issued for Income Tax Preparation and Personal Services at 520 North Eastern Avenue, Suite #110.

Pre-Application Meeting

08/12/08	The requirements for a Variance and Review of Condition application were discussed with the applicant.
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Neighborhood Meeting

A meeting is not required nor was one held.

Field Check

08/19/08	The southern side of the parking lot currently has no striping for parking spaces. Required landscaping has been removed or is dead along the southern side of the site. Numerous non-permitted temporary signs (banners) were noted on the site.
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Details of Application Request

Site Area

Gross Acres	.55
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Commercial Center	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
South	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Commercial Center	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required*		Provided**		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Pawn Shop	4,077 SF	1/250	15	1	16		
Office other than listed (Tax Service)	2,300 SF	1/300	8		8		
Retail other than listed (Less than 3,500 Square Feet)	2,750 SF	1/175	15	1	9		
SubTotal			38	2	31	2	
TOTAL	9,127 SF		40		33***		No
Percent Deviation					17.5 %		

**Per SD-041-02, 39 parking spaces were required at the time of that application, as uses have changed the current required parking is 40 spaces.*

***Currently there are 40 spaces on the site, including two handicapped parking spaces. There is an associated Variance (VAR-29437) which proposes a 33 parking spaces where 40 are required.*

****The total percentage of compact spaces remains below the allowable 30% limit required by Title 19.10. At 33 overall spaces, 10 compact spaces would be 30% of the total number of spaces.*

ANALYSIS

The applicant is requesting a Variance to allow 33 parking spaces where Title 19.04 requires a total of 40 parking spaces for a 9,127 square-foot commercial building. This is a 17.5% deviation from the standard. Per Title 19.10.010 two handicapped parking spaces are to be provided for uses requiring 40 spaces. The provided site plans indicates two handicapped spaces will be provided, including one van accessible space. The provided site plans indicates two handicapped spaces will be provided, including one van accessible space. The approved Site Plan (SD-0041-02) required 39 parking spaces based the two uses in the center at that time since that time the use of the center has changed and an additional parking space is required for a total of 40 required spaces.

There are four separate commercial suites on the site; three are occupied, one is presently vacant. The three occupied suites are utilized as a pawn shop, a convenience store and a tax service.

Because there are no unique or extraordinary circumstances associated with this site and the proposed adjustment to this existing development is too intense for the subject property, staff is recommending denial of this request for a parking Variance.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.

Additionally, Title 19.18.070L states:

Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by over-developing the site. Limiting future uses of the site to less intense uses would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 11

SENATE DISTRICT 2

NOTICES MAILED 177 by City Clerk

APPROVALS 0

PROTESTS 1